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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,180	06/27/2003	Lawrence Nathaniel Taugher	100205076-1	8213

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EXAMINER

TUCKER, WESLEY J

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/608,180

Applicant(s)

TAUGHER ET AL.

Examiner

Wes Tucker

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,389,181 to Shaffer et al.

With regard to claim 1, Shaffer discloses a method for organizing images, comprising:

analyzing images (column 2, lines 44-46);

detecting attributes of the images (column 2, lines 44-46);

comparing the detected attributes to identify images having a similar attribute (column 2, lines 44-46, see categorize); and

associating images having the similar attribute to automatically generate an attribute-based album (column 2, lines 47-54).

With regard to claim 2, Shaffer discloses the method of claim 1, wherein detecting attributes comprises detecting content attributes (column 5, lines 50-62).

With regard to claim 3, Shaffer discloses the method of claim 2, wherein detecting content attributes comprises detecting faces contained in the images column 6, lines 8-17).

With regard to claim 4, Shaffer discloses the method of claim 2, wherein detecting content attributes comprises detecting scenes contained in the images (column 7, lines 40-51 and lines 60-67 and column 8, lines 31-38).

With regard to claim 5, Shaffer discloses the method of claim 1, wherein detecting attributes comprises detecting time attributes (column 5, lines 55-62).

With regard to claim 6, Shaffer discloses the method of claim 5, wherein detecting time attributes comprises detecting dates and times of day on which images were captured (column 4, lines 11-20).

With regard to claim 7, Shaffer discloses the method of claim 1, wherein comparing the detected attributes comprises comparing image attributes stored in a database associated with original images (column 5, lines 45-62).

With regard to claim 8, Shaffer discloses the method of claim 1, further comprising storing images downloaded on a particular date in a date-based folder within a protected originals folder (column 5, lines 55-67). Shaffer discloses grouping images from a single or multiple target dates. This is interpreted as a "date-based folder."

With regard to claim 9, Shaffer discloses the method of claim 8, further comprising creating a date-based album separate from the date-based folder that identifies images stored in the date-based folder (column 5, lines 55-67 and column 9, lines 28-40). Shaffer discloses grouping images into groups or folders or files of images, then the images are assembled into an album or collage or appropriate output display.

With regard to claim 10, Shaffer discloses the method of claim 9, wherein creating a date-based album comprises creating a database that identifies the locations of the images stored in the date-based folder (column 7, lines 40-51 and lines 60-67 and column 8, lines 31-38 and column 9, lines 28-40). Shaffer discloses grouping images into any number/kind of groups, one example is the grouping by scene/location metadata.

With regard to claim 11, Shaffer discloses the method of claim 10, further comprising storing in the date-based album modified versions of images stored in the date-based folder (column 7, lines 40-51 and lines 60-67 and column 8, lines 31-38 and column 9, lines 28-40). Here the discussion of claim 9 applies. Once images are grouped they are then put into a display album or collage.

With regard to claim 23, Shaffer discloses a method for locating images, comprising:

prompting a user to identify at least one image attribute (column 4, lines 15-25);

receiving an identified image attribute (Column 4, lines 15-25);

analyzing at least one database of image attributes to identify images comprising the identified attribute (column 4, lines 6-15 and column 5, lines 1-62, customer preference dictates attributes used to group pictures); and

presenting the identified images to the user (column 5, lines 58-62, see photo-collage).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-22 and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,389,181 to Shaffer et al. and 5,784,461 to Shaffer et al., hereinafter referred to as [Shaffer96].

With regard to claim 12, Shaffer discloses a method for organizing images, comprising:

analyzing images by detecting content attributes contained in the images and time attributes that indicate when the images were captured (column 5, lines 55-67);

comparing the content attributes and the time attributes of images to identify images having a common attribute (column 5, lines 55-67); and

automatically generating an attribute-based album that comprises images having the common attribute (column 5, lines 58-62, see photo-collage).

Shaffer does not explicitly disclose storing the images in a protected originals folder in which images are protected from deletion and modification. Storing protected data to preserve original content and to allow access by authorized users is exceedingly well known in the art. [Shaffer96] discloses a protected storage for selective access to images (column 2, lines 24-44 and Fig. 1, element 22). [Shaffer96] teaches allowing secure access to original image data thereby providing image service only authorized

users. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to store the original images of Shaffer in a protected storage as taught by [Shaffer96] in order to allow access to only authorized users and to preserve original image content.

The combination of Shaffer and [Shaffer96] do not explicitly disclose creating a date-based album comprising a database that identifies locations of images stored in the protected originals folder that were downloaded on a particular date and modified versions of those images, if any. Shaffer discloses storing and categorizing images according to their date and time as well as content to create date/time and content based albums as discussed above and [Shaffer96] discloses storing images in a protected folder, but neither not explicitly discloses storing the images in a data base that identifies locations of images in the originals folder and modified versions of the images. However storing images or any files along with metadata detailing creation/download date and each modification date is extremely common practice. For example, Narayen discloses a photo album creation process similar to that of Shaffer in which the metadata includes the date the file was modified (Figs. 12A-12C and column 14, lines 20-34). It is also well known in the art and as taught by Shaffer to group image files according to any combination of metadata. Therefore it would have been obvious to one of ordinary skill in the art to create a database containing information about the modified images along with protected original images as taught by the combination of the mentioned references.

With regard to claim 13, Shaffer discloses wherein detecting content attributes comprises detecting faces and scenes contained in the images (column 6, lines 10-17).

With regard to claim 14, Shaffer discloses wherein detecting time attributes comprises determining the dates and times of day on which the images were captured (column 5, lines 55-67).

With regard to claim 15, Shaffer discloses wherein automatically generating an attribute-based album comprises creating a database that identifies locations of the images comprising the common attribute whether stored in the protected originals folder or the date-based album (column 2, lines 45-54). Shaffer discloses analyzing multiple images to create an attribute based database of images that is able to group images according to any number of features. It only follows that with the combined teachings of Shaffer, [Shaffer96], and Narayan that images are identified from multiple locations in order to form the groupings for the album generation.

With regard to claim 16, Shaffer discloses wherein analyzing images further comprises querying a user for identification information regarding at least one of a detected face or scene (column 4, lines 15-26 and column 6, lines 8-18). Shaffer

discloses user input and face recognition/detection as well as a customer profile for maintaining customer preferences.

With regard to claim 17, Shaffer discloses storing identification information provided by the user in response to the querying (column 4, lines 10-26, see customer profile).

With regard to claim 18, Shaffer discloses the method of claim 12, further comprising storing results of the image analysis (column 6, lines 40-46). Shaffer discloses iterating (i.e. storing and repeating the image analysis. The discussion of claim 12 applies to the feature of storing the results in at least one database under the protected originals folder. The motivation to store anything in a protected space is to allow only authorized access. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to store the image analysis results in a protected space as taught by [Shaffer96] as discussed in claim 12.

With regard to claim 19, the discussion of claim 18 applies. Also Shaffer discloses analyzing content in a body of images. The body of image being in a protected folder or an unprotected folder would still allow for analyzing and categorizing.

With regard to claim 20, Shaffer discloses a system for organizing images, comprising:

means for detecting attributes of images (column 2, lines 40-45);

means for comparing the attributes of images to identify images having a common attribute (column 2, lines 45-52); and

means for automatically generating an attribute-based album that comprises images having the common attribute (column 2, lines 50-54).

Shaffer does not disclose means for storing the images in a protected originals folder. Storing protected data to preserve original content and to allow access by authorized users is exceedingly well known in the art. [Shaffer96] discloses a protected storage for selective access to images (column 2, lines 24-44 and Fig. 1, element 22). [Shaffer96] teaches allowing secure access to original image data thereby providing image service only authorized users. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to store the original images of Shaffer in a protected storage as taught by [Shaffer96] in order to allow access to only authorized users and to preserve original image content.

The combination of Shaffer and [Shaffer96] do not explicitly disclose creating a date-based album comprising a database that identifies locations of images stored in the protected originals folder that were downloaded on a particular date and modified versions of those images, if any. Shaffer discloses storing and categorizing images according to their date and time as well as content to create date/time and content

based albums as discussed above and [Shaffer96] discloses storing images in a protected folder, but neither not explicitly discloses storing the images in a data base that identifies locations of images in the originals folder and modified versions of the images. However storing images or any files along with metadata detailing creation/download date and each modification date is extremely common practice. For example, Narayen discloses a photo album creation process similar to that of Shaffer in which the metadata includes the date the file was modified (Figs. 12A-12C and column 14, lines 20-34). It is also well known in the art and as taught by Shaffer to group image files according to any combination of metadata. Therefore it would have been obvious to one of ordinary skill in the art to create a database containing information about the modified images along with protected original images as taught by the combination of the mentioned references.

With regard to claim 21, Shaffer discloses wherein the means for detecting comprise means for detecting content attributes including faces and scenes and means for determining dates and times of day when the images were captured (column 6, lines 10-17 and column 5, lines 50-62).

With regard to claim 22, Shaffer discloses wherein the means for automatically generating an attribute-based album comprise means for creating a database that

identifies locations of the images comprising the common attribute (column 5, lines 50-62).

With regard to claim 24, Shaffer discloses an image management system stored on a computer-readable medium (Figs. 1, 2 and 4), comprising:

an image analysis module that includes logic that is configured to detect content attributes contained in the images and time attributes that indicate when the images were captured (column 2, lines 44-50 and column 5, lines 50-62); and

an album generation module that includes logic that is configured to automatically-generate attribute-based albums that comprise images having at least one common attribute (column 2, lines 45-54 and column 5, lines 55-62).

Shaffer does not explicitly disclose an image storage module that includes logic that is configured to store images in a protected originals folder in which images are protected from deletion and modification. Storing protected data to preserve original content and to allow access by authorized users is exceedingly well known in the art. [Shaffer96] discloses a protected storage for selective access to images (column 2, lines 24-44 and Fig. 1, element 22). [Shaffer96] teaches allowing secure access to original image data thereby providing image service only authorized users. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to store the original images of Shaffer in a protected storage as taught by [Shaffer96] in order to allow access to only authorized users and to preserve original image content.

The combination of Shaffer and [Shaffer96] do not explicitly disclose storing modified versions of the images in date-based albums. Shaffer discloses storing and categorizing images according to their date and time as well as content to create date/time and content based albums as discussed above and [Shaffer96] discloses storing images in a protected folder, but neither not explicitly discloses storing the images in a data base that identifies locations of images in the originals folder and modified versions of the images. However storing images or any files along with metadata detailing creation/download date and each modification date is extremely common practice. For example, Narayen discloses a photo album creation process similar to that of Shaffer in which the metadata includes the date the file was modified (Figs. 12A-12C and column 14, lines 20-34). It is also well known in the art and as taught by Shaffer to group image files according to any combination of metadata. Therefore it would have been obvious to one of ordinary skill in the art to create a database containing information about the modified images along with protected original images as taught by the combination of the mentioned references.

With regard to claim 25, Shaffer discloses wherein the logic of the image analysis module is configured to detect faces and scenes contained in the images and to determine dates and times of day when the images were captured (column 6, lines 10-17 and column 5, lines 50-62).

With regard to claim 26, Shaffer discloses wherein the logic of the album generation module is configured to compare the content attributes and the time attributes of images to identify images having a common attribute (column 5, lines 50-62).

With regard to claim 27, Shaffer discloses an image search module that includes logic configured to search databases of image attributes to locate particular images desired by a user (column 5, lines 45-62 and column 2, lines 44-54 and column 4, lines 6-25).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wes Tucker whose telephone number is 571-272-7427. The examiner can normally be reached on 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 571-272-2214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Wes Tucker

10-6-06


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